

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LOWELL RETAIL DEVELOPMENT LLC, Plaintiff, v. EXXON MOBIL OIL CORPORATION, Defendant.	Civil Action No. 1:04-cv-11028
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**DEFENDANT'S ASSENTED TO MOTION TO TIME TO ANSWER
THE COMPLAINT AND THE SCHEDULING CONFERENCE**

Defendant, Exxon Mobil Oil Corporation (“ExxonMobil”), hereby moves this Court to extend, until October 15, 2004, the time for ExxonMobil to answer or otherwise respond to the Complaint of the plaintiff, Lowell Retail Development, LLC. In addition, ExxonMobil moves the Court to extend the date of the Scheduling Conference (currently set for September 15, 2004) until October 15, 2004. As grounds for this Motion, ExxonMobil states that the parties have reached a settlement in this litigation and are currently in the process of drafting a mutually agreeable settlement agreement and releases. The extension is necessary to allow for sufficient time to have the settlement documents executed and the settlement payment issued.

WHEREFORE, ExxonMobil respectfully request that the Court allow this assented to motion.

EXXON MOBIL OIL CORPORATION

By its attorneys,

/s/ Tara J. Myslinski
Deborah E. Barnard (BBO# 550654)
Tara J. Myslinski (BBO # 644936)
HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116
(617) 523-2700

Assented To:

LOWELL RETAIL DEVELOPMENT,
LLC

By its attorneys,

/s/ David Y. Li (Assented To)
Rosanna Sattler (BBO#442760)
David Y. Li (BBO# 555823)
POSTERNAK BLANKSTEIN &
LUND LLP
Prudential Tower
800 Boylston St.
Boston, MA 02199
(617) 973-6100

Dated: August __, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail to David Y. Li, Esq., Posternak Blankstein & Lund LLP, Prudential Tower, 800 Boylston Street, Boston, MA 02199, this ___th day of August, 2004.

/s/ Tara J. Myslinski
Tara J. Myslinski